

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
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BOARD OF APPEALS

INTERDEPARTMENTAL COMMUNICATION

To: *Board of Selectmen/Sewer Commissioner, Fire Department, Water District, Conservation Commission, Board of Health, Planning Board, Engineering Department, Historical Commission, Transportation Advisory Committee, Recreation Commission, Municipal Properties, Acton Housing Authority, Finance Committee and Acton Community Housing Corporation.*

Date: *July 14, 2008*

From: *Kim DelNigro, Planning Dept Secretary (for Cheryl Frazier, Board of Appeals Secretary)* 

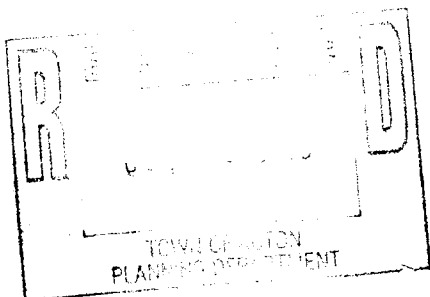
Subject: *BOA 40B Hearing, 3 Charter Road (# 08-04)*

The Board of Appeals is in receipt of an application for a Comprehensive Permit under M.G.L. c. 40B, §§ 20-23A for OLD HIGH SCHOOL COMMONS located at 3 CHARTER ROAD, ACTON, MA (Town School Building) filed on July 11, 2008.

The Board must open the hearing within 30 days from the application filing date.

Please submit your comments to Cheryl Frazier by August 1, 2008.

If you do not need the application and plans after your review, please return them to the Building Department.



**COMPREHENSIVE PERMIT
APPLICATION FORM**

Refer to the "Rules and Regulations for Comprehensive Permits" available from the office of the Board of Appeals for detailed permit filing requirements. Contact the Building Department at 264-9632 with any questions. Incomplete applications may be denied.

(Please type or print your application)

1. Street Address of Site: 3 Charter Road, Acton, MA 01720
Name of Proposed Development: Old High School Commons
2. Applicant's Name: Common Ground Development Corp., or its designee
Address: 167 Dutton Street, Lowell, MA 01852
Telephone: (978) 452-3956 Fax: (978) 452-3967 e-mail: s.joncas@att.net
3. Record Owner Name: Town of Acton (Dean Charter)
Address: Town Hall 472 Main St. Acton, MA 01720
Telephone: (978) 264-9629
4. Zoning District(s) of Parcel(s): R-2 Residential
Town Atlas Map(s)/ Parcel Number(s):
- 5 a) Total development site area: 1.23 a b) Number of dwelling units: 17
c) Number of affordable units: 14 d) Number of units accessible/: 17
e) Total open space area: Approx 1.0 a adaptable for persons w/ disabilities: 1
g) Total length of road(s): public: 0 ft private: 0 ft
i) Method of wastewater disposal: Municipal wastewater system

The undersigned hereby apply to the Planning Board for a Comprehensive Permit under M.G.L. c. 40B, §§ 20-23. The undersigned hereby certify that the information on this application and plans submitted herewith are correct, and that, to the best of his/her knowledge, the application complies with all applicable provisions of Law and Regulations.

Signed under the penalties of perjury in accordance with M.G.L. c. 268, § 1A.



Signature of Petitioner(s)

July 8, 2008

Date

Signature of Petitioner(s)

Date

**COMPREHENSIVE PERMIT
DEVELOPMENT IMPACT REPORT**

(Please type or print information in blanks below)

1. Name of Proposed Subdivision: Old High School Commons
2. Location: 3 Charter Road, Acton, MA
3. Name of Applicant(s): Common Ground Development Corp. (CGDC)
4. Brief Description of the Proposed Project: Conversion of school into 17 rental residences, including 14 affordable and 3 market rate units
5. Name of individual preparing this DIR: Steven Joncas EVP/CEO CGDC
Address: C/O Community Teamwork Inc. 167 Dutton St. Lowell, MA 01852
Attn: Chris Defeo
Business Phone: (978) 452-3956 Fax: (978) 452-3967 E-mail: s.joncas@att.net
Professional Credentials _____

A. Site Description

7. Present permitted and actual land uses by percentage of the site.

<i>Uses</i>	<i>Percentage</i>
Industrial	
Commercial	
Residential	100%
Forest	
Agricultural	
Other (specify)	

8. Total acreage on the site: 1.23 acres.

Approximate Acreage	At Present	After Completion
Meadow or Brushland (non agriculture)		
Forested		
Agricultural (includes orchards, cropland, pasture)		
Wetland		
Water Surface Area		
Flood Plain		
Unvegetated (rock, earth, or fill)	1.00	.75
Roads, buildings and other impervious surfaces	.23	.48
Other (indicate type)		

- Note: include overlay zoning districts.*

<i>District</i>	<i>Percentage</i>
R-2 Residential	100%

- Soil drainage (Use the US Soil Conservation Service's definition)

<i>Soil Type</i>	<i>% of the Site</i>
Well drained	
Moderately well drained	100%
Poorly drained	

11. Are there bedrock outcroppings on the site? ____yes Xno
12. Approximate percentage of proposed site with slopes between:

<i>Slope</i>	<i>% of the Site</i>
0 - 10%	90%
10 - 15%	7%
greater than 15%	3%

13. In which of the Groundwater Protection Districts is the site located? How close is the site to a public well? Zone(s) 4 Proximity to a public well: 9,000 feet
14. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (Consult with the Massachusetts National Heritage Program and the Acton Natural Resources Director). yes X no

If yes, specify:

15. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges? ____yes _____X no
If yes,specify: _____

16. Are there any established footpaths running through the site or railroad right of ways? yes Xno
If yes, specify: _____

17. Is the site presently used by the community or neighborhood as an open space or recreation area? ☒ yes ☐ no

Is the site adjacent to conservation land or a recreation area? ☒ yes ☐ no

If yes, specify: Adjacent to school property used as recreation

18. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? ☐ yes ☒ no

If yes, specify: _____

19. Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site? ☐ yes ☒ no

If yes, specify: _____

20. Is there any farmland or forestland on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? ☐ yes ☒ no

If yes, specify: _____

21. Has the site ever been used for the disposal of hazardous waste? ☐ yes ☒ no

Has a 21E Study been conducted for the site? ☒ yes ☐ no

If yes, specify results: Phase 1 report (Town of Acton) no evidence of hazardous waste

22. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? ☐ yes ☒ no

If yes, specify: _____

23. Does the project contain any buildings or sites of historic or archaeological significance?

(Consult with the Acton Historic Commission or the Action Historical Society.)

☒ yes ☐ no

If yes, please describe The building is eligible for listing on the National Register

24. Is the project contiguous to or does it contain a building in a local historic district or national register district? ☐ yes ☒ no

25. Is the project contiguous to any section of the Isaac Davis Trail?

☐ yes ☒ no If yes, please describe: _____

B. Circulation System

26. What is the average weekday traffic and peak hour traffic volumes generated by the proposed development?

Average weekday traffic		99.6
Average peak hour volumes	weekday morning	7.6
Average peak hour volumes	weekday evening	9.5
Average peak hour volumes	Saturday	8.0

27. Existing street(s) providing access to proposed subdivision:

Name: Massachusetts Avenue

Town Classification: State Roadway (Rte 111)

28. Existing intersection(s): list intersections located within 1000 feet of any access to the proposed development.

Massachusetts Ave./Main St., Massachusetts Ave./Charter Rd.,

Main St./Beverly Rd., Beverly Rd./Nadine Rd.

29. Location of existing sidewalks within 1000 feet of the proposed site.

Charter Rd., Massachusetts Ave., Beverly Rd., Nadine Rd

30. Location of proposed sidewalks and their connection to existing sidewalks:

See attached site plan.

31. Are there parcels of undeveloped land adjacent to the proposed site?

 yes

 X no

Will access to these undeveloped parcels be provided within the proposed site?

 yes

 no

If yes, please describe _____

If no, please explain why _____

C. Utilities and Municipal Services

32. What is the total number of bedrooms proposed? 29

33. If the development has a nonresidential component, what will be its use and size (s.f.)? N/A

34. Storm Drainage

- a. Describe type, location, and surface water body receiving current surface water of the site: Fort Pond Brook, thence Assabet River

b. Describe the proposed drainage system and how it will alter existing drainage patterns: Catchbasin to Water Quality Inlet to underground detention for recharge of paved surfaces. No change to existing drainage patterns.

c. Will a NPDS Permit be required? ___ yes X no

35. Estimate the fire department response time to the site (consult with Fire Dept.)

36. Schools (if residential)

a. Projected number of new school age children: 10-14

b. Distance to nearest school: Adjacent to site

E. Measures to Mitigate Impacts

Attach brief descriptions of the measures that will be taken to:

37. Prevent surface water contamination. Response: Runoff from parking area is directed through Catchbasin with oil trap hood, thence a Water Quality Inlet, thence to underground recharge chambers.

38. Prevent groundwater contamination. Response: Runoff from parking area is directed through Catchbasin with oil trap hood, thence a Water Quality Inlet, thence to underground recharge chambers.

39. Maximize groundwater recharge. Response: Runoff from parking area is to underground recharge chambers.

40. Prevent erosion and sedimentation. Response: See Erosion Control Plan in submission set.

41. Maintain slope stability. Response: All non-paved slopes will be vegetated.

42. Design the project to conserve energy.

43. Preserve wildlife habitat. Response: This development will have no impact to wildlife habitat.

44. Preserve wetlands. Response: No wetlands on-site or within 100 feet.

45. Ensure compatibility with the surrounding land uses. Response: Use is compatible with surrounding land uses.

46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment rate of runoff for the 10-year storm event. Response: Runoff rates are controlled through the use of the underground recharge chambers.

47. Preserve historically significant structure and features on the site. Response: The proponent plans to undertake a Certified Historic Rehabilitation in accordance with the Standards of the Secretary of the Interior.
48. To mitigate the impact of the traffic generated by the development. Response: The proposed entrance onto Massachusetts Avenue is in the same location as the historic entrance. The proposed entrance has been reviewed by MassHighway, and the Curb Cut Permit has been issued. Traffic generation is very small, and will have an insignificant impact upon Mass Highway.

Please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.

Old High School Commons, Acton, MA

Use Description

The subject property for Old High School Commons consists of 1.23 acres of land area and an existing vacant, former school building consisting of approximately 21,000 square feet. The proposed use is to convert the school building to residential use as rental housing.

The plan proposes a total of seventeen rental units. Proposed household diversity and income limits are illustrated by the following chart:

Unit Mix:	Low- Income Rental Assisted	Low- Income below 50%	Low-Income Below 60%	Market Rate	Total Units
					0
Studio	1		1	0	2
One Bedroom	1		3	1	5
Two Bedroom	1		5	2	8
Three Bedroom	1		1	0	2
					0
Total Units	4	0	10	3	17

Open space will be developed for parking to accommodate 34 spaces (2 per unit). The balance of the site will be landscaped and will include an outside patio area and outdoor seating for the residents.

The project is 100% residential. There are no non-residential uses.

Old High School Commons, Acton, MA

Existing Site Conditions

The subject parcel consists of 1.23 acres. It is located at Charter Road and Massachusetts Avenue. The existing building on site is a two-story structure formerly used as a school. The building size is 21,056 square feet.

Existing uses located south of the property across Massachusetts Avenue include commercial and residential buildings and parking lots. Public school property is located to the north, west and east. School uses include private ways consisting of Charter Road and a driveway, a parking area, a school building and related recreational facilities and open space. Numerous commercial uses exist further east and south of the property. Traveling east on Massachusetts Avenue brings you to Route 27, Main Street. Uses in this highly developed area include professional offices, retail services, food establishments, a supermarket, automotive related facilities, and other convenience goods and services.

The property will not have access to Charter Road on the west property line or the school driveway on the north property line. The access to and from the property will be at a parking lot entrance located on Massachusetts Avenue. MassHighway has granted a curb cut permit for the parking lot access.

Going east toward Main Street, street elevations at Charter Rd and Massachusetts Ave are at 231.53 increasing to 233.46 after some 100 feet in distance, and then decreasing to 232.61 some 55 feet away from that point at the approximate location of the proposed curb cut to 225.84 some 240 feet further east at the school property line.

Traffic patterns include commuter traffic traveling along Massachusetts Avenue to or from Route 2 and Route 27 and school related traffic that utilizes Charter Road for access and egress to and from school facilities.

Site lines to the west on Massachusetts Avenue are unobstructed to Charter Road (located approximately 160 feet from the proposed parking lot driveway) and beyond. Site lines to the east on Massachusetts Avenue are clear for 250 feet. On site circulation is limited to one driveway providing access and egress to the 34-space parking lot. Please note that the town issues request for proposals stipulated that Massachusetts Avenue is the only access to the property and that MassHighway issued a curb cut permit for the project.

The site consists of 1.23 acres. The plan is to preserve existing trees and shrubs as appropriate. A patio area is planned for the north side of the building for resident barbecues along with walking paths around the north, west and south portions of the property. Outside seating areas will be provided along the walkways. Fencing will be constructed along the north and east property lines to prevent school children from crossing through the residential area and parking lot.

Impacts on municipal facilities including water and sewer would be minimal. The proposed development consists of seventeen units with a total of 31 bedrooms. At 75 gallons per bedroom discharge is estimated to total 2,325 gallons per day.

Efforts to address public safety include a fire protection sprinkler system throughout the building and appropriate lighting of the parking lot and walkways. School impact is expected to be minimal. The eight 2-bedroom and two 3-bedroom units are expected to generate at most 12 to 15 students.

There are no wetlands on the property or wildlife areas as it was formerly used as a school.

List of Requested Exceptions and Waivers

The Old High School Commons affordable housing project has applied for a Comprehensive Permit under the Rules and Regulations as set forth by the Acton Zoning Board of Appeals and, pursuant to the provisions of M.G.L. Chapter 40B. The proponent is requesting exceptions and waivers from certain zoning and other local regulations, as noted in the list that follows. All laws and regulations governing the project will be adhered to as required by Massachusetts' Law.

We also request that the Zoning Board of Appeals grant relief from any other zoning requirement or other applicable local rule, regulation, bylaw or policy which the Acton Zoning Board of Appeals determines to be applicable to the Project and which is not met by the current site plan or any subsequent site plans reflecting changes resulting from the Zoning Board of Appeals review of the Project.

Zoning Bylaw

Section 3.1 Provisions of Table of Principal Uses and Principal Use Definitions

Purpose: To allow multi-family dwelling in R-2 zoning district.

Section 6.5 Standard Parking Dimensional Regulations

Purpose: To allow ninety (90) parking spaces to be 9' X 18' and to allow 22' width of maneuvering aisle.

Section 6.7 Parking Lot Design Requirements

Purpose: To allow for less than required landscaping within the proposed parking lot.

Section 6.7.3 Access Driveways

Purpose: To allow for access driveway 22' wide.

Section 6.7.6 Perimeter Landscaping

Purpose: To allow for less than required perimeter landscaping.

Section 6.7.7 Interior Area Landscaping Requirements

Purpose: To allow for less than required interior area landscaping.

Rules and Regulations for Comprehensive Permits – Board of Appeals, Town of Acton

Section 1.4 Performance Guarantee

Purpose: To allow development of Project without posting a performance guarantee.

Section 3.2 Title Certification

Purpose: To allow development of Project without submission of title encumbrances.

Section 3.13 Traffic Study

Purpose: To allow development of Project without submission of a traffic study.

Fees

Pursuant to the herein Comprehensive Permit Application, a waiver from the following Application/Permit/Connection fees (as they may be applicable to the Project), is hereby requested:

1. Zoning Board of Appeals Application Fee
2. Building Permit Fees
3. Water Connection Fees
4. Sewer Connection Fees
5. And such other Application/Permit/Connection fees as may be applicable.

Old High School Commons, Acton, MA Development Schedule

COMPREHENSIVE PERMIT DEVELOPMENT SCHEDULE

	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Total
Projected completion date:	4 th quarter 2009					4 th quarter 2009
Number of affordable units:	14					14
Number of market units:	3					3
Subtotal by phase:	17					17

For the last development phase, or if only one development phase is proposed, suggest below a building permit schedule by which affordable units will be completed. Generally, the Board will allow a staggered completion of market rate and affordable units but requires the completion of all affordable units before the issuance of the last building permit(s) in the project.

Old High School Commons, Acton, MA
Unit Composition Schedule

COMPREHENSIVE PERMIT
UNIT COMPOSITION SCHEDULE

Type of unit		Number of units	Number of baths/ unit	Gross Sq. Ft./ unit (Ave.)	Unit sales price or monthly rent	Homeowner's association/ condominium fee
1-bedroom	affordable	4	1	819	802	
	market rate	1	1	819	1009	
2-bedrooms	affordable	6	1	954	946	
	market rate	2	1	954	1164	
3-bedrooms	affordable	2	2	1493	1095	
	market rate				1402	
Studio	affordable	2	1	450	763	
	market rate				966	
5 or more bedrooms	affordable					
	market rate					
Totals		17	19	15,613		